



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1280, **Version:** 1

Subject:

Public Interest Determination: Wetland Impacts for Wickham Corners

Fiscal Impact:

None.

Dept/Office:

Natural Resources Management Department

Requested Action:

In accordance with Chapter 62, Article X, Division 4, Section 62-3694(c)(3)b, Atlantic Environmental Solutions of Florida LLC (AES), on behalf of Evans Wickham, LLC, requests that the Board of County Commissioners (Board) grant a Public Interest Determination (PID) for wetland impacts proposed for a commercial project at Wickham Corners.

Summary Explanation and Background:

AES, on behalf of Evans Wickham, LLC, submitted a Wetland Toolbox analysis (attached) for wetland impacts proposed for a commercial project at Wickham Corners, located immediately west of the existing Taco Bell at 7850 Wickham Road. The 1.73-acre undeveloped property (Tax No. 2601525) contains a wetland system that extends off-site to the north and south via a ditch. The on-site part of the wetland covers approximately 0.96 acres of the property. The applicant proposes to impact the on-site portion of the wetland in order to develop a 4,000 square-foot (sf) commercial building and associated parking lot and landscaping for a fast food restaurant. No-net-loss compensatory wetlands mitigation meeting the criteria of Section 62-3694(e) and Section 62-3696 will be provided through a mitigation bank within the same hydrologic basin approved by the St. Johns River Water Management District (SJRWMD).

Chapter 62, Article X, Division 4, Section 62-3694(c)(3)b allows wetland impacts for commercial development along mitigation qualified roadways (MQRs):

On properties with frontage on mitigation qualified roadways, commercial or industrial land development activities may be permitted in wetlands if the property is designated for commercial or industrial land uses on the Future Land Use Map. Mitigation qualified roadways are depicted and identified in a table on Map 8 of the Comprehensive Plan Conservation Element. An amendment to the Comprehensive Plan shall be required to add a mitigation qualified roadway to Map 8 and the associated table.

The subject parcel has a Future Land Use designation of Community Commercial. Conservation Element Map 8 specifies this segment of Wickham Road as an MQR.

Section 62-3694(c)(3)b further states that wetlands proposed for impact shall be assessed using methodologies established in the Countywide Wetlands Study, to determine if they meet the criteria of High Functioning Wetlands or Landscape Level Wetlands. Impacts to High Functioning and Landscape Level Wetlands shall be prohibited unless the proposed impacts are determined to be in the public interest.

A High Functioning Wetland is defined in Section 62-3691 as a wetland that scores 0.66 or above as determined by the Brevard County Wetlands Assessment Method (a.k.a., Wetlands Toolbox). AES assessed the wetland using the Wetlands Toolbox. The wetland scored 0.605, thus is not a High Functioning Wetland as defined by Brevard County.

A Landscape Level Wetland is defined in Section 62-3691 as a wetland that is EITHER 1) five (5) acres or larger; OR 2) located within the Landscape Level Polygon depicted on Map 9 of the Brevard County Comprehensive Plan Conservation Element, AND the U.S. Army Corps of Engineers determines the wetland is hydrologically connected to the St. Johns River or Indian River Lagoon System. The wetland falls within the Landscape Level Polygon AND is hydrologically connected to the St. Johns River. The wetland system is also larger than five (5) acres.

Thus, the wetland system is a Landscape Level Wetland as defined by Brevard County. Impacts are prohibited unless the proposed impacts are determined by the Board to be in the public interest, or of overriding public benefit. Public Interest is defined as, "demonstrable environmental, social and economic benefits which would accrue to the public at large as a result of a proposed action, and which could clearly exceed all demonstrable environmental, social, and economic costs of the proposed action..."

The applicant provided the following information regarding the PID for the Board's consideration:

The commercial project will have a positive impact on the local economy as listed below:

- *The development will provide for approximately 20 to 30 jobs during construction.*
- *When complete, the commercial business will create approximately 40 new jobs.*
- *The commercial development will provide an alternative dining option for Brevard County residents.*
- *The development will increase the amount of collected county sales tax and property tax.*

It is therefore requested that the Board consider the applicant's request for a PID for wetland impacts proposed for a commercial project at Wickham Corners. This action only addresses the wetland components of the development and does not convey any approvals or assurances with regard to zoning, site plan approval, or building permits.

Clerk to the Board Instructions:

None.